

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

GREAT BOWERY INC d/b/a
TRUNK ARCHIVE,

Plaintiff,

v.

CONSEQUENCE SOUND LLC,
CONSEQUENCE MEDIA
GROUP INC.; and DOES 1
through 10 inclusive

Defendant.

Case No. **9:23-cv-80488**

**DECLARATION OF ANNIE
LEIBOVITZ**

DECLARATION OF ANNIE LEIBOVITZ

I, Annie Leibovitz, declare as follows:

1. I am over the age of 18 years old. I have personal knowledge of all matters stated herein, and if called as a witness, I could and would competently testify thereto.
2. I have been a professional photographer for over 40 years.
3. Between 2014 and 2019, I created a series of photographs of the cast and crew of *Star Wars: The Force Awakens*, *Star Wars: The Last Jedi*, and *Star Wars: The Rise of Skywalker*.
4. Specifically, I created a photograph of actor Adam Driver as Kylo Ren (“Kylo Photograph”), a true and correct copy of which is submitted herewith as Exhibit 1.

5. I also created a photograph of various actors playing galactic travelers and smugglers (“Smuggler Photograph”), a true and correct copy of which is submitted herewith as Exhibit 2.

6. I also created a photograph of actors Daisy Ridley, John Boyega, and Harrison Ford as Rey, Finn, and Han Solo respectively, aboard the Millennium Falcon with Chewbacca and BB-8 (“Millennium Falcon Photograph”), a true and correct copy of which is submitted herewith as Exhibit 3.

7. I also created a photograph of actress Lupita Nyong’o as she did C.G.I tracking work to capture her character Maz Katana (“Nyong’o Photograph”), a true and correct copy of which is submitted herewith as Exhibit 4.

8. I also created a photograph of actor Oscar Isaac as Poe Dameron (“Dameron Photograph”), a true and correct copy of which is submitted herewith as Exhibit 5.

9. I also created two photographs of behind-the-scenes production of Star Wars: The Force Awakens (“Force Production Photographs”), true and correct copies of which are submitted herewith as Exhibit 6.

10. The Kylo Photograph, the Smuggler Photograph, the Millenium Falcon Photograph, the Nyong’o Photograph, the Dameron Photograph, and the Force Production Photographs shall collectively be referred to as the “Episode VII Photographs”.

11. I registered the Episode VII Photographs with the United States Copyright Office as part of a group registration of photographs under registration certificate VA 2-056-929, with an effective registration date of October 17, 2016.

12. A true and correct copy of registration VA 2-056-929 is submitted herewith as Exhibit 7.

13. I also created a photograph of actors Domhnall Gleeson, Adam Driver, and Gwendoline Christie as General Hux, Kylo Ren, and Captain Phasma respectively (“Empire Photograph”), a true and correct copy of which is submitted herewith as Exhibit 8.

14. I also created a photograph of actress Laura Dern as Vice Admiral Holdo (“Holdo Photograph”), a true and correct copy of which is submitted herewith as Exhibit 9.

15. I also created a photograph of actress Daisy Ridley as Rey in the Millenium Falcon with Chewbacca (“Rey and Chewy Photograph”), a true and correct copy of which is submitted herewith as Exhibit 10.

16. I also created a photograph of actor Adam Driver as Kylo Ren, holding up a red lightsaber (“Red Lightsaber Photograph”), a true and correct copy of which is submitted herewith as Exhibit 11.

17. I also created a photograph of actors Carrie Fisher, Oscar Isaac, John Boyega, and Kelly Marie Tran as Leia Organa, Poe Dameron, Finn, and Rose Tico standing with BB-8 (“BB-8 Photograph”), a true and correct copy of which is submitted herewith as Exhibit 12.

18. I also created a photograph of actress Carrie Fisher and her daughter Billie Lourd as Leia Organa and Kaydel Ko Connix (“Connix Photograph”), a true and correct copy of which is submitted herewith as Exhibit 13.

19. I also created a photograph of actors Mark Hamill and Carrie Fisher as Luke Skywalker and Leia Organa (“Skywalker Photograph”), a true and correct copy of which is submitted herewith as Exhibit 14.

20. I also created two photographs of various actors dressed up as partygoers at the Canto Bright casino (“Canto Bright Photographs”), true and correct copies of which are submitted herewith as Exhibit 15.

21. I also created a photograph of actor Benecio Del Toro as DJ (“DJ Photograph”), a true and correct copy of which is submitted herewith as Exhibit 16.

22. I also created a photograph of actress Daisy Ridley as Rey holding a blue lightsaber (“Blue Lightsaber Photograph”), a true and correct copy of which is submitted herewith as Exhibit 17.

23. I also created two photographs of behind-the-scenes production of Star Wars: The Last Jedi (“Last Jedi Production Photographs”), true and correct copies of which are submitted herewith as Exhibit 18.

24. The Empire Photographs, the Holdo Photograph, the Rey and Chewbacca Photograph, the Red Lightsaber Photograph, the BB-8 Photograph, the Connix Photograph, the Skywalker Photograph, the Canto Bright Photographs, the DJ Photograph, the Blue Lightsaber Photograph, and the Last Jedi Production Photographs shall collectively be referred to as the “Episode VIII Photographs”.

25. I registered the Episode VIII Photographs with the United States Copyright Office under registration certificate VA 2-111-252 with an effective registration date of July 10, 2017.

26. A true and correct copy of registration certificate VA 2-111-252 is attached hereto as Exhibit 19.

27. I also created a photograph of actors Oscar Isaac and Billy Dee Williams as Poe Damerson and Lando Calrissian with BB-8 and Chewbacca in the Millenium Falcon (“Lando Photograph”), a true and correct copy of which is submitted herewith as Exhibit 20.

28. I also created a photograph of actor Mark Hamill as Luke Skywalker with R2-D2 (“R2-D2 Photograph”), a true and correct copy of which is submitted herewith as Exhibit 21.

29. I also created a photograph of actors Domhnall Gleeson and Richard E. Grant as General Hux and Allegiant General Pryde (“Hux Photograph”) a true and correct copy of which is submitted herewith as Exhibit 22.

30. I also created a photograph of actors John Boyega and Naomi Ackle as Finn and Jannah (“Finn Photograph”), a true and correct copy of which is submitted herewith as Exhibit 23.

31. I also created a photograph of actors Adam Driver and Daisy Ridley as Kylo Ren and Rey engaged in a lightsaber battle (“Battle Photograph”), a true and correct copy of which is submitted herewith as Exhibit 24.

32. I also created a photograph of actress Daisy Ridley as Rey (“Rey Photograph”) a true and correct copy of which is submitted herewith as Exhibit 25.

33. I also created a photograph of actress Keri Russell as Zorii Bliss (“Bliss Photograph”), a true and correct copy of which is submitted herewith as Exhibit 26.

34. I also created four behind-the-scenes photographs of the production of *Star Wars: The Rise of Skywalker* (“ROS Production Photographs”), true and correct copies of which are submitted herewith as Exhibit 27.

35. The Lando Photograph, the R2-D2 Photograph, the Hux Photograph, the Battle Photograph, the Rey Photograph, the Bliss Photograph, and the ROS Production Photographs shall collectively be referred to as the “Episode IX Photographs”.

36. I registered the Episode IX Photographs with the United States Copyright Office under registration certificate VA 2-192-380, with an effective registration date of January 16, 2020.

37. A true and correct copy of registration certificate VA 2-192-380 is attached hereto as Exhibit 28.

38. On or about November 12, 2014, I entered into an agreement (“Artist Agreement” with Plaintiff Great Bowery Inc. d/b/a Trunk Archive for exclusive worldwide representation to license my photographs.

39. A true and correct copy of the Artist Agreement is submitted herewith as Exhibit 29.

40. The Artist Agreement was signed by agent and manger, Karen Mulligan, with my authorization.

41. On or about May 4, 2015, the publication Vanity Fair published an article titled “The Cast of *Star Wars: The Force Awakens* in *Vanity Fair*” (“2015 Vanity Fair Article”)

42. A true and correct copy of the 2015 Vanity Fair Article is attached hereto as Exhibit 30

43. The Episode VII Photographs were first published in the 2015 Vanity Fair Article as an exclusive as part of an agreement that I have with Vanity Fair’s publisher Condé Nast.

44. After publication, I provided the Episode VII Photographs to Trunk Archive under the terms of the Artist Agreement so that Trunk Archive could be the exclusive licensor of the Episode VII Photographs for any other publications that wished to license them.

45. On or about May 24, 2017, the publication Vanity Fair published an article titled “See Annie Leibovitz’s Exclusive Cast Portraits of *Star Wars: The Last Jedi* for *Vanity Fair*” (“2017 Vanity Fair Article”)

46. A true and correct copy of the 2017 Vanity Fair Article is attached hereto as Exhibit 31

47. The Episode VIII Photographs were first published in the 2017 Vanity Fair Article as an exclusive as part of an agreement that I have with Vanity Fair’s publisher Condé Nast.

48. After publication, I provided the Episode VIII Photographs to Trunk Archive under the terms of the Artist Agreement so that Trunk Archive could be the exclusive licensor of the Episode VIII Photographs for any other publications that wished to license them.

49. On or about May 22, 2019, the publication Vanity Fair published an article titled “*Star Wars: The Rise of Skywalker* Photos: Meet the Characters and Go On Set” (“2019 Vanity Fair Article”)

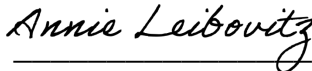
50. A true and correct copy of the 2019 Vanity Fair Article is attached hereto as Exhibit 32

51. The Episode IX Photographs were first published in the 2019 Vanity Fair Article as an exclusive as part of an agreement that I have with Vanity Fair’s publisher Condé Nast.

52. After publication, I provided the Episode IX Photographs to Trunk Archive under the terms of the Artist Agreement so that Trunk Archive could be the exclusive licensor of the Episode IX Photographs for any other publications that wished to license them.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the United States of America.

Executed this April 22, 2024 at New York, New York.



Annie Leibovitz